

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 1

IOWA COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 10-CM—

TYNA M. DULL
W/F DOB 03/05/1974,

Defendant.

CRIMINAL COMPLAINT AND SUMMONS

I, James A. Sielehr, being duly sworn, do state on information and belief,

CHARGE - ATTEMPTED THEFT BY FRAUD

That on or about September 23, 2009, in the Village of Arena, Iowa County, Wisconsin, the above-named defendant attempted to commit the crime of theft by fraud, by obtaining title to property, to wit: a lottery ticket, by intentionally deceiving the holder of the ticket with a representation the defendant knew was false, to wit: that the ticket was not a winning ticket, a representation made with the intent to defraud the holder of the lottery ticket by inducing the holder to part with the ticket, in violation of Wis. Stat. §§ 943.20(1)(d) and 939.32(1), a Class A Misdemeanor by operation of statute, and upon conviction the defendant may be sentenced to 9 months imprisonment, a \$10,000 fine or both, pursuant to Wis. Stat. §§ 943.20(1)(d), 939.32(1)(bm), and 939.51(1) and (3)(a).

FACTUAL BASIS

1. Complainant, James A. Sielehr, is a Special Agent (“S/A”) with the Wisconsin Department of Justice (“DOJ”), Division of Criminal Investigation (“DCI”), and has been a Special Agent for 15 years.
2. In 2009, Complainant was assigned to a state-wide compliance check coordinated by the Wisconsin Department of Revenue (“DOR”) in September, 2009, and assisted by DCI, concerning the Wisconsin Lottery (“Lottery”), which is a division of DOR. The compliance check was designed in part to ensure the integrity of the Lottery by testing compliance of retail vendors when winning Lottery tickets are presented to vendors for redemption. A vendor is a retail outlet, such as a gas station, convenience store, or grocery store, that sells Lottery tickets to the public. As part of the assignment, Complainant became aware of how certain Lottery games are structured and played, as described below.
3. Complainant knows that a Lottery scratch-off ticket is a ticket designed so that the ticket purchaser (the “player”) can scratch off portions of the ticket’s surface to reveal information concealed underneath. Different games have different rules, but in general, scratch off tickets are won by matching prescribed numbers of letters or numbers, according to the rules of the particular game. There are cash prizes awarded in varying amounts for winning tickets. Players may redeem winning tickets of \$599 or less at a Lottery vendor. However, winning tickets in amounts larger than \$599 must be redeemed at a Lottery Office.
4. Complainant has spoken with Jesse Benisch who is a Consumer protection Investigator 2 with the Lottery. According to Benisch, vendor employees presented with a winning ticket in excess of \$599, are supposed to tell the player presenting the ticket that their winning ticket must be redeemed at a Lottery Office. There are 2 Lottery Offices, in

Madison and Milwaukee, where winning Lottery tickets of \$600 or more can be redeemed.

5. Based upon training and experience gained through this investigation, Complainant knows that it is common for a player to present a Lottery ticket to a vendor and ask the vendor's employee to check that ticket to determine whether it is a winning ticket, or what the value of the ticket might be. The vendor employee usually does this by scanning the ticket in the Lottery terminal computer. Every Lottery ticket has a series of identifying numbers and bar codes printed on the ticket for security and verification purposes.
6. In September, 2009, all Lottery vendors in the state used one of two models of computer terminals supplied by the Lottery. One model was the Altura terminal. The other was known as the LVT terminal. When a ticket is scanned by either of these terminals, the terminal informs the employee of the status of the ticket being scanned, including the amount of the ticket, if the ticket is \$599 or less in value. If the ticket is a winning ticket of a value greater than \$599, information appears on the terminal screen stating either "Claim At Lottery," (Altura model terminals) or "Validation Error [the ticket number] Claim at Lottery" (LVT model terminals). The vendor employee then should inform the player that the ticket must be claimed or redeemed at a Lottery office and return the ticket to the player.
7. The compliance check in this case used the Super Quadrupler Crossword game, a scratch-off game the Lottery offered throughout the state of Wisconsin. In this game, players scratched off the ticket's coating to reveal words embedded in a crossword puzzle printed on the ticket. The amount of the prize depended on the number of words revealed. The top prize for the Super Quadrupler Crossword game was \$50,000, which was awarded

when ten words were revealed in the crossword puzzle. The second prize was \$5,000, which was awarded to players whose ticket revealed nine words in the crossword puzzle.

8. In general, the compliance check worked as follows. The DOR prepared 200 “dummy” winning tickets for the Super Quadrupler Crossword scratch-off game, for which the prize was valued at \$5,000. Each of these tickets looked like real Super Quadrupler Crossword game tickets, and each of the tickets had a unique identification number printed on it. When scanned by a Lottery vendor terminal, each of these tickets would show up as a winning ticket, and the vendor terminals would show the ticket would have to be claimed at a Lottery Office. The tickets were designed, however, so that when the dummy tickets were claimed at a Lottery Office, scanning by a Lottery Office terminal during the validation process would reveal that the tickets were not valid.
9. In September, 2009, teams of DOR and DCI Special Agents visited Lottery vendors around the state and presented the 200 dummy winning tickets to 200 different vendors, and asked an employee at each vendor whether the ticket presented was a winner. In 195 instances, the vendor’s employee to whom the ticket was presented honestly informed the agents that the ticket presented was a winning ticket. In 5 instances, the vendor’s employee informed the agents presenting the ticket that the ticket was not a winning ticket. The agents surreptitiously recorded these encounters by audio and video recordings.
10. On September 23, 2009, at approximately 10:43 a.m., Complainant and DOR Special Agent Henry Morel went to the Arena Super Store, at 300 Village Edge Road, Village of Arena, Iowa County, Wisconsin, which is a Lottery vendor. S/A Sielehr presented one of the dummy winning Super Quadrupler Crossword game tickets, identified as ticket number 930-100556-2-073, to a female clerk behind the counter. S/A Sielehr asked the clerk to check the ticket to see if it was a winner.

11. The clerk took the ticket to the Lottery terminal to scan, and informed S/A Sielehr that the ticket was not a winner. S/A Sielehr asked the clerk a second time if she was sure the ticket was not a winner, and the clerk answered a second time that the ticket was not a winner. The clerk kept the ticket and did not return it to S/A Sielehr. These events were recorded by audio and video means.
12. After leaving the store, S/A Sielehr photographed the exterior of the store, and the re-entered the store and photographed the clerk behind the counter who had scanned the ticket. The clerk was later identified as the defendant, Tyna M. Dull.
13. Complainant has reviewed the report of DCI S/A Helen Wasmer, who spoke with Jesse Benisch, a citizen witness and DOR Lottery Investigator. Benisch reviewed computer records of the Lottery kept in the ordinary course of Lottery business. These records show that ticket number 930-100556-2-073 was scanned at 10:43 a.m., on September 23, 2009, and scanned a second time at approximately 12:11 p.m. on September 23, 2009, on the Lottery terminal at the Arena Super Store.
14. In speaking with Jesse Benisch, Complainant was informed that on September 23, 2009, at approximately 1:02 p.m., Super Quadrupler Crossword ticket number 930-100556-2-073 was presented for claiming to Lottery employee Diane Femrite at the Lottery Office in Madison, Wisconsin, by a female who identified herself as Tyna M. Dull, DOB 03/05/1974 on the Lottery claim form and by means of a Wisconsin driver's license. The ticket was not paid, however, and Tyna M. Dull was informed that she would be contacted later. Tyna M. Dull was allowed to keep the original ticket she had presented.
15. S/A Sielehr and Morel contacted Tyna M. Dull to discuss the circumstances of obtaining and attempting to claim the ticket. On September 29, 2009 the agents interviewed a person who identified herself as Tyna M. Dull. S/A Sielehr recognized this to be the same

person who had been behind the counter on September 23, 2009, who had scanned the ticket presented by S/A Sielehr and told him it was not a winning ticket.

16. In a recorded interview, Tyna M. Dull at first stated that she had purchased the ticket in Madison, Wisconsin on September 21, 2009. When the agents told her that they believed she was not being truthful, Tyna M. Dull admitted that she had stolen the ticket. Tyna M. Dull stated that she had told S/A Sielehr on September 23, 2009, that the ticket was not a winning ticket, when in fact, she knew it was a winning ticket. Tyna M. Dull stated that she did this because she really needed the money. Tyna M. Dull stated that she scanned the ticket a second time and believed the ticket to be worth \$5,000, so she immediately drove to the Lottery Office to claim the winnings. Tyna M. Dull stated that she knew it was wrong when she did it, but she did not believe she would get caught.

Dated this 7th day of September, 2010.

James A. Sielehr, Special Agent
Complainant

Approved for filing:

Gary A. Freyberg
Gary A. Freyberg
Assistant Attorney General and Special Prosecutor for Iowa County
State Bar # 1006559

Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857
608-266-7636

SUMMONS

STATE OF WISCONSIN,

Plaintiff

v.

TYNA M. DULL,

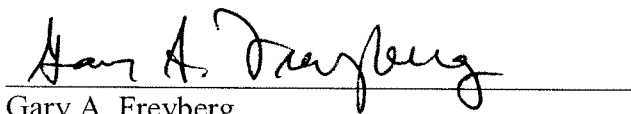
Defendant,

THE STATE OF WISCONSIN TO TYNA M. DULL:

A complaint, a copy of which is attached, having been made before me accusing the defendant of committing the crime of Attempted Theft By Fraud, in violation of Wis. Stat. §§ 943.20(1)(d) and 939.32(1),

You, Tyna M. Dull, are, therefore, summoned to appear before the Iowa County Circuit Court at the Courthouse in the City of Dodgeville, on November 1, 2010, at 9:00 o'clock a.m., and in case of your failure to appear, a warrant for your arrest may be issued.

Dated this 29 day of September, 2010.



Gary A. Freyberg

Assistant Attorney General and Special Prosecutor for Iowa County
State Bar # 1006559